

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**CHARLES MERRELL,**

**Plaintiff,**

**vs.**

**SWIFT TRANSPORTATION CO.  
ARIZONA, LLC,**

**Defendant.**

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**Case No. 3:23-cv-05013-MDH**

**ORDER**

Before the Court is Defendant's Motion to Clarify, which is **GRANTED**. Defendant seeks clarification of this Court's prior order (Doc. 130) dated April 1, 2024. Specifically, Defendant seeks clarification as to the scope of the following within the prior order:

It is further ordered that Plaintiff's deadline to produce an expert report is hereby amended to thirty days following Defendant's production of the logbook and electronically-stored information described above.

The March 1, 2024 deadline for Plaintiff's designation of expert witnesses described in this Court's most recent scheduling order (Doc. 12 at 3) is hereby vacated. Plaintiff is required to designate experts and provide any expert reports, regardless of the topic of expertise, no later than thirty days after Defendant discloses the discovery, described in the April 1, 2024 order, that continues to remain outstanding, specifically a logbook that meets the requirements of FMCSA § 395.8 as well as relevant electronically-stored information (i.e. information from an automatic onboard recording device and electronic onboard recording device) pertinent to truck number 20057

operated by Luna Esquivel unredacted for a twenty-four hour period before and after the approximate time of the collision on September 5, 2019.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: April 16, 2024

/s/ Douglas Harpool

**DOUGLAS HARPOOL**  
**United States District Judge**

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<sup>1</sup> This ruling also addresses Defendant's pending Motion to Strike (Doc. 122), which seeks from this Court an order striking several of Plaintiff's expert witnesses based on inadequate and untimely disclosure from Plaintiff. Based on the clarification in the present order, Defendant's Motion to Strike is hereby **DENIED**. To the extent necessary, Defendant may renew its Motion to Strike after the amended deadline, discussed above, for Plaintiff's expert disclosures has passed.